

76-6-1004 Presumptions and defenses.

- (1) The presumptions and defenses regarding the theft of property in Section 76-6-402 apply to this part, in addition to the provisions of this section.
- (2) It is a defense to a charge of mail theft that:
 - (a) the defendant was unaware that the mail belonged to another person;
 - (b) the defendant reasonably believed he was entitled to the mail or had a right to acquire or dispose of the mail as he did; or
 - (c) the mail belonged to the defendant's spouse, unless the parties were either legally separated or living in separate residences at the time of the alleged mail theft.

Enacted by Chapter 87, 1998 General Session